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# Transferring Titles

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Upon the death of a vehicle owner, the procedure for transferring the vehicle title depends on whether the title was in the individual name of the decedent or in joint tenancy. If the title was in the decedent's name only, the procedure then depends on whether the decedent's estate is being probated. These various procedures are as follows:

## I. TITLE REGISTERED IN THE INDIVIDUAL NAME OF DECEDENT

### A. PROBATED

If probated, the Office of the Secretary of State requires the following documents in order to transfer title regardless of whether title is being transferred to a buyer from the estate or whether it is being transferred to an heir or legatee of the decedent:

1. Certified copy of **Letters of Administration** or **Letters Testamentary** showing the name of the legal representative of the estate.
2. **Decedent's title** must be surrendered, and it must be assigned by the legal representative of the estate to the buyer. The current odometer reading must be certified on the assignment of title.
3. An **application for title** must be completed and signed by the buyer and submitted with the required **\$3 title fee**, appropriate **registration fee** if applicable, and proof of compliance with the Vehicle Use Tax.

### B. SMALL ESTATE

If (1) decedent's estate is not being probated, and (2) the value of the personal estate does not exceed \$25,000, then the **Small Estate Affidavit procedure** applies, and the fol-

lowing documents must be furnished to this office:

1. **Small Estate Affidavit** describing the vehicle by **year, make, and vehicle identification number**. The affiant does not have to be an heir or legatee. If there is a will, a **certified copy** must be submitted.
2. The **decedent's title** must be surrendered.
3. A copy of the **death certificate** must be attached to the affidavit.
4. An **application for title** must be completed and signed by the buyer and submitted with the required **\$3 title fee**, any applicable **registration fees**, and proof of compliance with the Vehicle Use Tax. The current odometer reading must be indicated.

### **C. ATTORNEY'S AFFIDAVIT**

If the estate is not being probated, and if the Small Estate Affidavit procedure is not applicable or appropriate for any reason, then the transfer may be accomplished by the **Attorney's Affidavit procedure** described in the *Illinois Vehicle Code*, Section 3-114(e). The following documents must be furnished to this office:

1. **Attorney's Affidavit** on the attorney's letterhead, stating:
  - (a) The name and last address of the decedent.
  - (b) The date of death.
  - (c) The year, make and vehicle identification number (VIN) of the vehicle.
  - (d) To whom the vehicle is being transferred and the relationship to decedent, if any.
  - (e) Any other pertinent facts relating to the transfer of the vehicle.
2. Copy of the **Death Certificate**.



3. The **decedent's title** must be surrendered.
4. An **application for title** must be completed and signed by the buyer and submitted along with the **\$3 title fee**, any applicable **registration fees**, and proof of compliance with the Vehicle Use Tax. The current odometer reading must be indicated.

## II. JOINT TENANCY OWNERSHIP

A title in the names of two or more persons is considered to be in **joint tenancy**. Upon the death of one of them, the surviving joint tenant(s) becomes the owner(s) of the vehicle by operation of law. Within 120 days after the decedent's death, the surviving joint tenant(s) must apply for title in their own name(s) unless transferring title to someone else. In either event, the following documents must be furnished to this office.

### A. IF APPLICANT IS THE SURVIVING JOINT TENANT:

1. Copy of the **Death Certificate**.
2. The **original title** (*jointly owned*) must be surrendered and need not be assigned.
3. An **application for corrected title** in order to have the decedent's name removed from the old title. The current odometer reading must be indicated.
4. If applicant plans to operate the vehicle, then, in addition to applying for a **corrected title**, applicant should also submit **another application** to correct the registration. A current registration thus can be assigned to the surviving joint tenant.
5. The appropriate **\$3 title fee** and, if applicable, **\$2 corrected registration fee** must be paid.

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B. IF SURVIVING JOINT TENANT IS TRANSFERRING TITLE TO ANOTHER INDIVIDUAL:

1. Copy of the **Death Certificate**.
2. The **original title** (*jointly owned*) must be properly assigned by the surviving tenant(s) transferring the vehicle to the buyer. The current odometer reading must be certified on the assignment of title. If title is lost, the surviving joint tenant(s) must obtain a **duplicate title** to be able to assign it to the buyer.
3. The buyer must submit the **assigned title** and completed **application for title**.
4. If the buyer also intends to operate the vehicle, the buyer's **application for title** will serve as an application for registration.
5. The appropriate **\$3 title fee** and any applicable **registration fees** must be submitted along with proof of compliance with the Vehicle Use Tax.

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## What if Title is Lost?

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If **title** is lost, it is not necessary to apply for a **duplicate title** in any of the situations previously outlined except when a surviving joint tenant is transferring the vehicle to another individual.

However, in each case, an **affidavit** must be made indicating the title has been lost and a statement submitted explaining the transfer of the vehicle.

In those cases where the **Small Estate Affidavit** or **Attorney's Affidavit** procedure is applicable, the statement about the lost title may be included in such **affidavit**.

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## Title and Registration Fees

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1. **Title Fee** is \$3 in all cases, with one exception (*Junking Certificate-no fee*).
2. Surviving joint tenants and surviving spouses need not pay vehicle registration fees until the current registration expires. If the surviving spouse is not listed as a joint tenant on the decedent's title, a copy of the death certificate is required to show the marital relationship. The **corrected registration fee** is \$2 in both cases if the current registration has not expired. All other buyers must apply for registration upon transfer of the vehicle.
3. Title and registration fees may be combined in **one check** or **money order** made payable to "Secretary of State."

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## Payment of Casual Sales Tax or Exemptions

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The transfer of a motor vehicle involving an estate (excluding transfers involving joint tenants) is subject to a motor vehicle use tax. If you have any further questions, please call this office or Illinois Department of Revenue at 1 – 800 – 732-8866.

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## Forms

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Applications and forms may be obtained at most Secretary of State facilities; by writing to the Office of the Secretary of State, Vehicle Services Department - Supply Section, Room 0013, Centennial Building, Springfield, Illinois 62756; or by calling the toll-free number.

**(800) 252-8980**

or

in Chicago, call

**(312) 793-1010**